

FEDERAL DESIGNATIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill amends and enacts provisions regarding federal designations within the state.

Highlighted Provisions:

This bill:

- defines terms;
- requires a governmental entity that is advocating for a federal designation within the state to bring the proposal to the Natural Resources, Agriculture, and Environment Interim Committee for review; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63L-2-101, as enacted by Laws of Utah 2008, Chapter 382

63L-2-201, as last amended by Laws of Utah 2015, Chapter 84

ENACTS:

63L-2-301, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **63L-2-101** is amended to read:

**CHAPTER 2. TRANSFER OF STATE LANDS TO UNITED STATES GOVERNMENT
AND FEDERAL DESIGNATIONS**

63L-2-101. Title.

This chapter is known as ~~[the]~~ "Transfer of State Lands to United States Government
~~[Act]~~ and Federal Designations."

Section 2. Section **63L-2-201** is amended to read:

63L-2-201. Federal government acquisition of real property in the state.

(1) As used in this ~~[chapter]~~ section:

(a) "Governmental entity" means:

(i) an agency, as that term is defined in Subsection **63G-10-102(2)**;

(ii) the School and Institutional Trust Lands Administration created in Section
53C-1-201;

(iii) the School and Institutional Trust Lands Board of Trustees created in Section
53C-1-202; or

(iv) a county.

(b) "Governmentally controlled land" means land owned or managed by a
governmental entity.

(2) (a) Before legally binding the state by executing an agreement to sell or transfer to
the United States government 500 or more acres of governmentally controlled land or school
and institutional trust lands, a governmental entity shall submit the agreement or proposal:

(i) to the Legislature for its approval or rejection; or

(ii) in the interim, to the Legislative Management Committee for review of the
agreement or proposal.

(b) The Legislative Management Committee may:

(i) recommend that the governmental entity execute the agreement or proposal;

(ii) recommend that the governmental entity reject the agreement or proposal; or

(iii) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the agreement or proposal.

(3) Before legally binding the state by executing an agreement to sell or transfer to the United States government less than 500 acres of any governmentally controlled land or school and institutional trust lands, a governmental entity shall notify the Natural Resources, Agriculture, and Environment Interim Committee.

(4) Notwithstanding Subsections (2) and (3), the Legislature approves all conveyances of school trust lands to the United States government made for the purpose of completing the Red Cliffs National Conservation Area in Washington County.

(5) A governmental entity may, in ~~its~~ the governmental entity's discretion, give written notice to the Legislative Management Committee of formal negotiations ~~it~~ the governmental entity enters into with a federal agent or entity intended or likely to result in:

(a) the sale, exchange, or transfer of specific governmentally controlled land or school and institutional trust lands to the federal government; or

(b) designation of specific governmentally controlled land or school and institutional trust lands as a federal park, monument, or wilderness area.

Section 3. Section **63L-2-301** is enacted to read:

Part 3. Federal Designations and Local Advocacy

63L-2-301. Promoting or lobbying for a federal designation within the state.

(1) As used in this section:

(a) "Federal designation" means the designation of a:

(i) national monument;

(ii) national conservation area;

(iii) wilderness area or wilderness study area;

(iv) area of critical environmental concern;

(v) research natural area; or

(vi) national recreation area.

(b) (i) "Governmental entity" means:

(A) a state-funded institution of higher education or public education;

(B) a political subdivision of the state;

(C) an office, agency, board, bureau, committee, department, advisory board, or commission that the government funds or establishes to carry out the public's business, regardless of whether the office, agency board, bureau, committee, department, advisory board, or commission is composed entirely of public officials or employees;

(D) an interlocal entity as defined in Section 11-13-103 or a joint or cooperative undertaking as defined in Section 11-13-103;

(E) a governmental nonprofit corporation as defined in Section 11-13a-102; or

(F) an association as defined in Section 53G-7-1101.

(ii) "Governmental entity" does not mean:

(A) the School and Institutional Trust Lands Administration created in Section 53C-1-201; or

(B) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202.

(2) (a) A governmental entity, or a person a governmental entity employs and designates as a representative, may investigate the possibility of a federal designation within the state.

(b) A governmental entity that intends to advocate for a federal designation within the state shall notify the Natural Resources, Agriculture, and Environment Interim Committee before the introduction of federal legislation, and shall meet with the Natural Resources, Agriculture, and Environment Interim Committee to review the proposal upon request.

(3) This section does not apply to a political subdivision supporting a federal designation if the federal designation:

(a) applies to 5,000 acres or less; and

(b) has an economical or historical benefit to the political subdivision.

